

SOUTH JORDAN CITY  
CITY COUNCIL MEETING

February 21, 2006

**Present:** Mayor Kent Money, Council Member Brian Butters, Council Member Dave Colton, Council Member Brad Marlor, Council Member Larry Short, Council Member Leona Winger, City Manager Rick Horst, ACM Municipal Services Rob Wall, ACM Public Safety Lindsay Shepherd, City Attorney John Geilmann, Deputy City Manager Gary Whatcott, COO Laurie Tanner, Economic Development Director Doug Meldrum, City Council Secretary MaryAnn Dean

**Others:** Chris Robbins, Joe Fullmer, Sheila Shupe, Heather Darata, Brian Davis, Jon Bronson, Markay Perrero, Sandra Coffman, Claire Brisson-Banks, Les J. Gimson Banks, Mark Isaac, Terry Teeples, Larry Hutchings, Beverly Hutchings, Jeff Ebright, A. Robert Perschon, Allen & Melba Taylor, Dale Evans, Mark Gunderson, Jill Fritsche & Scouts, Roger Hutchings, Pete Perrero, Connor & Joyce Tanner, Kristin Andersen, Thomas R. Holbrook, Mark T. Woolley, Barb & Joel Loose, Trae Stokes, Diana Bruening

6:30 P.M.

REGULAR MEETING

I. INFORMATIONAL ITEMS AND OTHER BUSINESS

Mayor Money welcomed everyone present. He excused Council Member Marlor who will be arriving late.

A. INTRODUCTION OF PLANNING COMMISSION CANDIDATES

Mayor Money noted that John Rosenthal is unable to attend tonight, and is excused.

CM Horst said the Planning Commission candidates' applications have been provided. He noted that Council Member Butters and Council Member Colton's appointments are 4 years. Council Member Marlor's appointment is just shy of two years, to fill an uncompleted appointment.

**Linda Auger** introduced herself. She noted that she ran for City Council in the last election. She said she moved to South Jordan in November of 2002. She lives west of Bangerter Highway in the Oquirrh Park development. She went to the University of Utah and has a degree in education. She has a certified public manager's certificate from the State of Utah. She currently works as a child care licensing specialist. She has experience understanding policies and procedures and implementing them. She said she researches

issues. She said she has the ability to reach people, and come to a happy medium on issues that are concerning to people.

Council Member Short said Ms. Auger will do her homework and would be a good candidate for the Planning Commission.

Ms. Auger said the government is for the people and the citizens need to be involved.

**Brian Davis**, said he is a new resident that moved from Salt Lake City. He said he received an electrical engineering degree from the University of Utah. He then went to medical school in St. Louis, and did a residency at UC San Diego in Ophthalmology. He said he does eye surgery. His office is in South Jordan, and he lives in South Jordan so he has a vested interest in the City. He said he has 3 small children and is interested in the future of the area. He said he would like to help shape the future of the City. He said he is new to City business, but he is a quick learner.

It was noted that Mr. Davis lives in the Daybreak community.

Council Member Short asked if Mr. Davis has the time to put into this appointment, considering his profession. Mr. Davis said he believes so; he understands the time commitment that is involved.

**John Bronson**, said he has lived in the Prospector Place subdivision for 9 years. He said he has always been impressed with the City management. He said he believes that they all owe something to the communities in which they live. He said he is happy to serve the community. He said he works in the public finance department for Zion's bank and he works with government entities throughout the State. He noted that he also attended the University of Utah.

Council Member Winger said the Planning Commission has managed to keep the public hearings calm and been able to handle tough situations because of the way that they handle the public.

CM Horst discussed the differences in the responsibilities of the Planning Commission versus the City Council. He said there will be a training session for the new Planning Commission members.

Mayor Money said personal opinions have to stay out of the decision. The decisions have to be based on the Ordinances and policies of the City and that is sometimes hard to do. He said that helps the city function in a good and prosperous manner.

CM Horst said the actual appointments will be made later in the regular City Council meeting.

## B. CALENDARING ITEMS

The City Council discussed the Utah League of Cities and Towns conference scheduled for April 6<sup>th</sup> and 7<sup>th</sup>.

The Council further discussed the Kennecott water treatment plant tour scheduled for March 2, 2006. Mayor Money and Council Member Colton both indicated that they are unable to attend the tour. CM Horst said they could look into a tour at a later date for those that are unable to attend.

C. COMMENTS FROM MAYOR AND MEMBERS OF THE CITY COUNCIL

1. Committee Reports

Council Member Winger said she referred the Youth Council to City Attorney Geilmann to get the proper notifications, authorizations, and transportations for their trip to Logan. She said the Youth Council will be using the \$500 gift certificate to Albertsons to help with the needs of the Victim's Advocate program. She said Chris Butters talked with the Youth Council about the gay/straight alliance bill.

Council Member Winger said the Salt Lake Community Campus sent her an invitation to a luncheon on March 16<sup>th</sup>. She said they are looking at creating and sustaining strategic community partnerships. Mayor Money said he hopes that the partnership includes Kennecott. Council Member Winger said this meeting is regarding the Larry Miller Campus. Mayor Money said they have discussed the desire for a research park in South Jordan; it would be nice to make that connection with the U of U or SLCC. CM Horst said staff will have a presence at the meeting on March 16<sup>th</sup>. Mayor Money said he will try to attend. If not, Council Member Winger will represent the City.

Council Member Colton said Jean Jackman has a concern that there is not a City Council member assigned to the Gale History Center Committee. Mayor Money said they have turned a lot of the day to day responsibilities to staff. Council Member Colton said they still need a Council contact for each group. CM Horst said the City Council is invited to every committee meeting, but they only need to attend based on the needs of the committee. It was noted that the Country Fest Committee, the Garden Club, and the Miss South Jordan Committee fall under the Public Art and Cultural Development Board.

It was determined that Council Member Colton will represent the Sr. Citizens Committee. Council Member Winger will continue to be the contact for the Youth Council and the Council of Governments. Council Member Marlbor will continue to be the representative for the Architectural Review Committee, the Taxing Entity Committee, and the Chamber of Commerce. Council Member Short will be the contact for both the History Center Committee and the Gale Center History Center Committee. Council Member Butters will be the contact for the Public Art and Cultural Development Board.

Mayor Money said each committee needs to have a Council liaison.

D. CITY MANAGER BUSINESS

None.

E. NEW BUSINESS

None.

7:00 P.M.

II. GENERAL BUSINESS

A. Welcome and Roll Call

Mayor Money welcomed everyone present. All members of the City Council were present.

Mayor Money recognized some scouts present. Scout Troop 1718, a troop from Oquirrh Park, a girl scout troop, Scout Troops 2726 and 1339 were all introduced.

B. Opening Ceremony

1. Invocation

Council Member Short offered the opening prayer.

2. Pledge of Allegiance

Two girl scouts led the audience in the Pledge of Allegiance.

C. Motion To Approve Amended Items, If Any

CM Horst said in the Redevelopment Agency meeting, the two issues were pulled and they added one item to the agenda, and that is to make the appointments to the Taxing Entity Committee.

**Council Member Marlor made a motion to approve the February 21, 2006 City Council agenda, as amended. Council Member Winger seconded the motion. The vote was unanimous in favor.**

D. Minute Approval

1. February 7, 2006

2. February 14, 2006

**Council Member Short made a motion to approve the February 7, 2006 and the February 14, 2006 City Council meeting minutes, as printed. Council Member Butters seconded the motion. The vote was unanimous in favor.**

### III. AWARDS, PRESENTATIONS

#### A. Outstanding Citizen Recognition – Presentation by COO Laurie Tanner

COO Tanner indicated that the person receiving this recognition was unable to attend. They will reschedule this item for March 7<sup>th</sup>, 2006.

#### B. Certificate of Appreciation, Unique Auto Body – Presentation by City Manager Horst

Mayor Money presented a certificate of appreciation to a representative of Unique Auto Body. He complimented them on the design of their building and their business operation. He noted that their facility is completely enclosed. The business was recognized for their cooperation, high quality design, and construction. It was noted that their main office is in Midvale. They have received encouraging results since opening their shop in South Jordan.

### IV. CITIZEN REQUESTS

**Markay Perrero**, expressed concern regarding development agreements. Only 12 states use them. South Jordan has been using development agreements for approximately 9 years. She understands that development agreements have not been used as much in the past as they are currently used in South Jordan. One of the first agreements was with Kennecott Copper. She reviewed some background information regarding a development agreement passed in Riverdale in 2004. She referred to the City Council minutes from Riverdale City from January 20, 2004 (Attachment A). She is concerned that the development agreements are not enforceable. She said the cost to enforce the agreement and the record keeping to enforce them may become overwhelming. She showed pictures of the building in question for the Riverdale development agreement (Attachment B). She said it has been 18 months since the building was built, and the re-vegetation on the hill has not occurred. She said she would like a moratorium on development agreements, or some legal equivalent, until (1) all City Council members are educated about them, (2) they have written procedures and requirements and adopted them in the general plan. She noted information that other areas in the Country use for development agreements (Attachment C). She said (3) development agreements should go through the Planning Commission first and they should be open to public hearings. She said the American Planning Association (APA) stated that development agreements take place when there is a win/win situation. Hopefully, in the future, the City will strive to meet the win/win status.

Council Member Short was excused from the meeting at this time.

**Thomas Holbrook**, 9557 S. 2880 W., expressed concern over the loss of UTA bus service. He said they are going to lose route 41 in April. He said he believes that UTA needs the money to move forward their TRAX agenda. He said UTA said they were looking at bus services that are less used and claim that it is not being ridden. He said 80 percent of the changes happening in April affect the west side of the Salt Lake Valley. He said he rides route 48 every day. He said he will now have to walk to 9900 South or 9000 South to catch the bus. He said it is making his route less convenient. He said route 41 also provide service further south and west in South Jordan.

DCM Whatcott said he attended a UTA meeting with Mayor Crane and Mayor Applegarth. He said UTA believes that they have increased service. He said the mid-day service and the convenience in their service has been cut. He said they protested loudly. He said they also issued a formal letter protesting the cutting of UTA services in this area. CM Horst encouraged Mr. Holbrook to contact UTA Board members because they are more receptive. DCM Whatcott said UTA feels that it is not economical to run routes with the current ridership during the midday. Mayor Money said a complete mass transit system is important, including bus service and light rail.

DCM Whatcott said the City has been a strong advocate for public transportation. Council Member Winger said West Jordan and West Valley are also anxious about bus routes being cut. DCM Whatcott said UTA has agreed to get input from bus riders and the municipal governments so better decisions can be made. Mr. Holbrook agreed that appropriate public input was not given on this issue.

**Dale Evans**, expressed concern about not being able to access public records. She asked if there has been a change in policy regarding access to public records. Just in the last week, she was told to fill out a GRAMA request form. CM Horst said state law requires that the GRAMA request be filed for any public records request for documentation. He said the public and media has access to the City Council and Planning Commission packets. He said sometimes, they don't put all of the documents out until they are in finalized form because sometimes changes are made in the meetings. He said the public records act is in the forefront of the legislature this year and they have to follow the letter of the law. He said they may have extended courtesies in the past, but they are documenting things now to protect themselves legally.

Ms. Evans said she is concerned about the trend to cluster homes to create larger open spaces. She said there are appropriate places for that. She said Utah is family oriented. She said there are scary things in our society today, and it is nice for the kids to have larger yards to play in so they are not at larger public areas and parents have access to their children. She said they need to be careful about making tiny lots and open spaces or public areas when we are a family community.

Council Member Marlor said there are people who want smaller lots to maintain and larger open space areas for recreating. He said a lot of people want that type of environment. Ms. Evans said there is a place for clustering, but they should watch it.

They should keep a good balance and not allow too much clustering. She said the use does not have to be excluded.

Ms. Evans said she is also concerned about development agreements. She said the citizens and City Council can familiarize themselves with zoning requirements. With development agreements tied to zoning, each development agreement is unique. She said it takes time to read and research each agreement, and it puts a heavy burden on the City Council. It also puts a burden on staff because they have to spend time writing the agreements. It forces the staff to spend the City's tax dollars acting as legal counsel for developers. It also puts staff in a conflict of interest position because the agreement is between the City and the developer, and they are acting as legal counsel for both parties. An alternative would be for the developer's attorneys write the agreements, but then that would create a greater chance of litigation. She said the agreements lock the citizens out of the process and that creates another potential for litigation. The agreements have to be enforced forever and that creates contention within the City and between neighbors. The legal requirements of the zoning are safer, easier to enforce, and easier for everyone to understand.

**Mark Gunderson**, 3237 W. 10755 S., reviewed a prepared statement (Attachment D).

#### V. SUMMARY ACTION CALENDAR

- A. Ordinance No. 2006-04 – Amending and Repealing Portion of Titles 8 & 10 (South Jordan Health and Safety; Vehicles and Traffic), of the South Jordan Municipal Code, Pertaining to Parking in South Jordan City.

*\* (Ordinance number should have been 2006-05..corrected by A.West 2/28/06)*

- B. Resolution R2006-09 – Metro Fire District – Amended Contract

CM Horst said Council Member Short was concerned that the City might be bound to some lease. He said all the metro agency does is provide for an economy of scale. Purchasing equipment in a larger group may allow them to save some money, but they are not bound to any other cities' obligations. He said each City specializes in certain areas of expertise. This contract makes it so that they don't need as much equipment and cross training. He said he believes Council Member Short's concerns were addressed before the meeting.

Mayor Money asked if this is just an interlocal agreement, and there is no authority to tax? CM Horst said no. He said they can get out of the agreement in 6 months, if needed.

**Council Member Colton made a motion to approve the Summary Action Calendar. Council Member Winger seconded the motion. The vote was 4-0 in favor, with Council Member Short excused.**

#### VI. SUMMARY ACTION ITEMS HELD OVER

None.

## VII. PUBLIC HEARINGS AND POTENTIAL ACTION ITEMS

- A. Public Hearing – Ordinance No. 2006-05-Z; Amending the City's Zoning Map From R-1.8 to MU-City Center, Located at Approximately 9640 South Redwood Road.

ACM Wall reviewed the background information on this item. It was noted that this project is outside the EDA area, but it neighbors the EDA area.

CM Horst said the developer brought forward a similar application in the past, which included a residential development to the west. With the commercial and residential developments tied together, the Planning Commission denied the application. He said since then, they have segregated the commercial from the residential portion of the application. He said they will bring forward the residential portion at a later time.

Mayor Money asked why the small house on Redwood Road is being excluded? CM Horst said the future land use on the excluded property is commercial, but the property owners did not want to rezone at this time.

**Mark Isaac**, applicant, said they are currently in the process of planning a retail/mixed use development in this area. He noted that the four acre Hutchings parcel will be part of their project, and that is in the EDA area. He said they have proposed a tremendous component of office in the area and the City will benefit from that being in the EDA. The piece that was excluded was a UDOT parcel that was recently bought by the Hwang family. He said they are working on purchasing that property. He said Hwang's wanted to work out all of the purchasing issues before they move forward with this change.

Mayor Money opened the public hearing.

**Keith Pederson**, 9640 S. 1915 W., said at the last Planning Commission meeting, he presented a legal right of way that runs through the area that is zoned commercial (Attachment E). He said by changing this property commercial, they are land locking the residential property to the west. He said the only exits being proposed are through Powell Estates and Redwood Road. He said they are concerned about traffic being run through Powell Estates. He said they are concerned that if the developer and the owner of the property do not use the right of way, it will put the responsibility back onto the neighbors. He said the right of way should be acknowledged. He said access to this property should be provided through the right of way.

Council Member Short returned to the meeting at this time.

Mayor Money said it is their intent to provide another ingress/egress to the residential portion other than just 9640 South. CM Horst said they have had discussions with Milt



Shipp and Steve Young about that access. He said there may be access off of Redwood Road as well.

**Chris Percell**, lives on 9640 South, said he is concerned with the commercial development. There is a need for the 3<sup>rd</sup> exit to the west. The neighborhood is 40 years old with no sidewalks. When there is traffic parked on both sides of the street, it becomes a one way street. The kids use the street to get to the school bus. He said they would like a 3<sup>rd</sup> exit required. He said it is probably cost prohibitive to put sidewalks in their subdivision. He said he would like a minimum of 1/3 acre lots in the residential portion of the development.

Council Member Winger asked about the possibility of sidewalks on 9640 South. CM Horst said if the citizens donate the property, the City can consider installing sidewalks. The City would not be able to purchase that property. Mr. Percell said the City has a 10 ft. right of way on every lot. He said the citizens on 9640 South would not be able to afford sidewalks. They do not want to solve a problem that they did not create. ACM Wall said staff would check the right of way for 9640 South.

Mayor Money closed the public hearing.

B. Potential Action Item – (See VII. A.)

**Mark Isaac**, said the access issue they are discussing with the residents to the north is based on the residential component to the project. He said there is a stub street that has existed since Powell Estates was developed. He said the new subdivision will provide sidewalks to the school. He said they will be proposing a third access, but they are not to the site plan process at this time. He said they had a traffic analysis done for the residential component of the project. The only traffic generated was that the Powell Estates residents will drive through the new subdivision to get to 9800 South. He said they have not started the site plan process for the retail portion yet.

CM Horst said 9640 South is currently a long cul de sac. A second access would be good for public safety reasons. He said he does not feel people will cut through 9640 South. He said the sidewalk issue is legitimate.

Mayor Money asked what if they cut off the stub road and let the new development work on its own. Mr. Isaac said that would be their preference, but there is a water line that they would loop and improve the water service. It is also improving the transportation component in that area for public safety reasons. The road connection was a staff directed issue. CM Horst said with only one way in and out on a street, it is harder to provide services. If there was a fire in a home, people could not get out of the subdivision. Council Member Marlors said he would not be in favor of cutting off the stub road. Mr. Isaac said they have been working with the residents of Powell Estates, and they will continue to do so.

Council Member Marlor said he would be interested in looking into the sidewalk issue for 9640 South, if the residents are willing to donate their land. He said they can address that issue at the next City Council meeting.

**Council Member Marlor made a motion to approve Ordinance No. 2006-05-Z. Council Member Winger seconded the motion. Roll call vote. The vote was unanimous in favor.**

- C. Public Hearing – Resolution No. R2006-10; Adopting the Development Agreement Regarding the Kunkler Property. Resolution No. R2006-05; Amending the Future Land Use Map Generally Located Between 11000 to 11400 South and Between Bangerter Highway and 4200 West From Commercial, Recreation Open Space, and High-Density Residential to High-Density Residential and Medium-Density Residential. Ordinance No. 2006-07-Z; Amending the Zoning Map, Generally Located Between 11000 to 11400 South and Between 3600 and 4200 West, From Agriculture-5 (A-5) and Agriculture-1 (A-1) to Residential-3 (R-3), Residential Multiple-Family-6 (RM-6) and Bangerter Highway Mixed Use (BH-MU).

ACM Wall reviewed some background information on the development agreement. He discussed where 4000 West will be located. He discussed the layout of the land and where a retaining wall will be required. He said the predominant reason for the development agreement is to stipulate that 1/3 acre lots will back the existing 1/3 acre lots.

Council Member Winger asked if the development agreement is legal and enforceable? City Attorney Geilmann said yes. It is a good tool to use in the process of building a community. He said development agreements are lawful; the issue associated with development agreements is with the enforcement of the agreement. CM Horst said development agreements used to be attached to every development in the City; now they have been minimized to a great extent. He said he feels they have been good at enforcing development agreements and if a problem is brought forward, it is resolved. He noted that certain requirements or codes can be missed with any development in any circumstance. They try to correct those issues when they arise.

Mayor Money said no matter how hard a City tries, it is difficult to assign a particular zone to every piece of property that fits like a glove. Development agreements are usually some type of restriction or down zoning of the property. They are not giving the developer more than what the zoning allows. He said development agreements are binding. They have to be recorded and they go with the land in perpetuity. He said he likes development agreements because it puts all of the “understandings” in writing. He said they have to be willing to enforce the agreements.

CM Horst discussed the City’s current policy of having a 2 year warranty period with a bond once a site plan has been approved. He said that policy has proven to work well.

The Council discussed development agreements relative to some of the legislative issues this year.

Council Member Short said he sees development agreements as tools, but would not favor them on every project. CM Horst said they will be done when there are certain restrictions or mitigating factors with a project. They will not see development agreements routinely.

Council Member Colton asked if the residential portion of this development will happen at the same time as the commercial? CM Horst said the new residents will be told up front about the commercial development. CM Horst said the plan can always change, but in this case they are starting off with the worst case scenario. Council Member Butters said he feels better having the agreement in writing.

Mayor Money said he assumes that with the new agreement, all of the past issues with the developer are taken care of. CM Horst said yes. He said a copy of the agreement was provided to Daybreak, and they are satisfied. The LDS Church also received a copy of the agreement, but submitted no comment.

Council Member Marlbor said in section three, they should change the language about mobile homes not being allowed to manufactured homes not being allowed.

CM Horst noted that all development agreements are derived from efforts of the attorneys on both sides of the issues. He said this agreement will be recorded. He said the intent is to start on the west side of the development with the R-3 portion of the development.

Council Member Colton reviewed the terms of the agreement. He said it leaves the impression that the agreement ends when everything is built. City Attorney Geilmann said the agreement runs in perpetuity with the land. If the development does not go forward, the City can terminate and rezone the property. Otherwise, the obligations in the development agreement continue forever.

Council Member Short said when they are doing a development agreement, can the public make comment or is that just between the developer and the city? CM Horst said the agreement goes public when it goes in the packet. This agreement was derived as a result of comments from the citizens.

Council Member Winger asked about the involvement of the Planning Commission in the approval of development agreements. CM Horst said in this case, the Planning Commission recommended that a development agreement be put in place. He said the Planning Commission has no authority regarding development agreements. Development agreements are part of the legislative responsibilities; the Planning Commission has administrative authority.

Council Member Butters suggested that they require proper notaries for recording this agreement.

D. Potential Action Item – (See VII. C) Resolution No. R2006-10

**Council Member Marlor made a motion to adopt Resolution No. R2006-10. Council Member Winger seconded the motion. Roll call vote. The vote was unanimous in favor.**

**The City Council moved back to item VII. C. at this time.**

ACM Wall reviewed the background information on the land use and zoning proposal.

Mayor Money opened the public hearing.

**Dale Evans**, 3247 Millville St., asked what is the point of this hearing? She said she understands that when the development agreement is approved, the zoning is a shoe in. Mayor Money said the future land use change and the rezone have not been approved.

Ms. Evans said the agreement terminates once the obligations are fulfilled. Council Member Marlor said the approval of the agreement was procedural. He said they have to get the developer to accept all of the terms, prior to the change in land use or zoning.

**Markay Perrero**, 10793 S. 3210 W., said this situation is not the same as their issue two weeks ago. She said her objection is that they had a reconsideration along with the development agreement approval, and no comments were allowed. She said the citizens still have no input on the development agreement, but there seems to have been some access to the development agreement by other parties. She said she does not know why the citizens are not allowed access to the development agreement. She said development agreements do have a place when it is a win/win situation; their situation did not have that distinction.

**Melba Taylor**, 10613 S. 3210 W., asked why was Daybreak allowed a copy of the agreement, and why was a copy of the agreement sent to the church when the residents were not allowed access to the agreement until the night of the meeting?

CM Horst said Daybreak is donating land for the road and the church is sharing in the expense for the road. Ms. Taylor asked if their taxes don't mean anything? CM Horst said the road is being paid with impact fees; it is not being paid for with tax dollars.

Ms. Taylor said their biggest issue with the Peterson Development, for months, was not to have RM zoning but their development agreement has RM zoning in it. She said she hopes that the comments from the residents in this area were considered more than their strongest objection (the RM zoning).

**Diana Bruening**, 4637 Lumina Dr., said it is important to educate the public about what the development agreement says. She said she wants specifics. She said she wants to know what South Jordan gets out of this, not just the benefit of the developer. If they know specifics, they can give informed comments. She said she is concerned about increased traffic. She asked what will be done with the intersection at Bangerter Highway and 11400 South? She understands that they are developing a new type of intersection at 3500 South to help with traffic flow. She asked if a pedestrian crossway is being done? She said she moved to Daybreak to live in a walkable community. She said she is concerned that the proposed development will impact the village and town centers in Daybreak. She said she heard that a density of 8 units per acre is proposed and that sounds like a lot. She said she would like parks and open spaces developed. She said high density developments should be in walkable areas and near transit stations. She said Daybreak will be a beautiful area and they have a chance to protect that. She said she hopes that the City Council understands how this will change the shape and the feeling of the City.

CM Horst said this development agreement addressed a few minor issues. The rest is governed by the City codes. He said this land was land use designated BH-MU over 18 months ago. City Attorney Geilmann noted that the Ordinance is an exhibit attached right to the development agreement.

Mayor Money said the City Council feels a great responsibility to the community. He said Daybreak is a cluster type community and it has large open areas. He said they have gone to great lengths in The District development to make it a different retail environment; it will be much more compatible with what South Jordan is all about.

Mayor Money said regarding the development near the Jones Meadows subdivision, they listened to all of the input from the residents in that area. Many of their points were outlined in the development agreement. He said the RM-4 zoning was turned down. The primary reason for that is because the developer was making promises to do something different than what the RM-4 zoning would allow. He said the City Council felt that a lot of the issues were resolved with the development agreement and that is why they moved forward.

Mayor Money noted that a lot of the specifics that Ms. Bruening was referring to will be part of the site plan process.

Council Member Winger said they have tried to work with the residents of Jones Meadows. They should keep working with them to get their issues resolved. Their intent is good and their concerns are legitimate. Mayor Money said with the site plan process, they can work with the developers and bring that subdivision up to a South Jordan standard. CM Horst said there are public hearings as part of the site plan process.

**Sandra Coffman**, said she is a resident from the Jones Meadows subdivision. She said one of her concerns is that the Peterson's do not own the property. What happens if they sell the property? Mayor Money said if the development agreement is not followed, the

zoning reverts back. CM Horst said Mr. Peterson is the authorized agent on behalf of the Jones family. He said if the land was sold, the new developers can pick up the same agreement or the land will revert back. Ms. Coffman said the residents feel stomped on.

Council Member Colton said he spent a lot of time reading the development agreement with Peterson Development. He said articles 6 and 7 tie the conditions that they want to the zoning. He said that is the reason that the zoning moved forward. He said the concern regarding multiple housing was eliminated, as a result of the resident's concern.

Council Member Butters called for a point of order to get back to the Resolution at hand.

**Markay Perrero**, said Jones Meadows never wanted a density of 4 units per acre. They wanted a density of 2.5 or 3. They did not know that they had the right to say that; they thought they had to simply oppose the 4 units per acre. As a result of the action taken in their area, they are now seeing a density of 4 units per acre, and more, in the area between Bangerter and Redwood Road. She said they wanted to keep the rural feeling. She said they still do not have a copy of the development agreement with Peterson Development. She said the development agreement is a mystery to whoever is being affected by it, and that is the problem with it. She said the development agreement is a road block and a dead end.

CM Horst said they have had public records requests submitted regarding the Peterson Development. Ms. Perrero said because of the GRAMA Act, they don't receive the documents until after the meeting. CM Horst said they received some requests at 4:15 today. Dale Evans said she put in a request today, but they have submitted requests for many other things. CM Horst said the past request for all information related to Peterson Development will take some time to gather. Ms. Evans said four people have been in asking for items, and they have all been denied. She said they have never received a final copy of the development agreement. Since the agreement can be changed at any time, how do they know if the agreement has been changed? CM Horst said that is why they wait to submit those agreements and meeting minutes until after they are a formal document, because those documents can change in the meeting.

Council Member Marlbor reiterated the call for point of order. Comments should be made regarding the land use and zoning for the project at hand.

**Jana Spevak**, 11278 Via Benito Dr., expressed concern that her lot sits down 8 ft. from the land behind her. She said she has a culvert coming into her land and she has an irrigation pipe running through it. The irrigation pipe is no longer in use. She said she is concerned about the homes behind her looking down on her. She asked if they can buy more property behind them to increase the size of their lot? CM Horst said they would need to talk to the property owner; Boyer is the acting agent for the property owner.

Mayor Money closed the public hearing.

E. Potential Action Item – (See VII. C) Resolution No. R2006-05

**Council Member Winger made a motion to approve Resolution No. R2006-05. Council Member Marlor seconded the motion. Roll call vote. The vote was unanimous in favor.**

F. Potential Action Item – (See VII. C) Ordinance No. 2006-07-Z

**Council Member Marlor made a motion to approve Ordinance No. 2006-07-Z. Council Member Butters seconded the motion. Roll call vote. The vote was unanimous in favor.**

**Council Member Marlor made a motion to take a break. Council Member Butters seconded the motion. The vote was unanimous in favor.**

VIII. DISCUSSION/POTENTIAL ACTION ITEMS

A. City of South Jordan “Outstanding Citizen” Recognition Program

COO Tanner reviewed the recognition program to nominate outstanding citizens of South Jordan. CM Horst said they want to recognize unsung hero’s. The outstanding citizen will be announced in the South Valley Journal and recognized at a City Council meeting.

**Council Member Marlor made a motion to authorize CM Horst to institute the City of South Jordan “Outstanding Citizen” Recognition Program. Council Member Winger seconded the motion. The vote was unanimous in favor.**

B. Appointment of Planning Commission Board Members

**Council Member Marlor made a motion to nominate John Bronson to the Planning Commission. Council Member Winger seconded the motion. The vote was unanimous in favor.**

**Council Member Short made a motion to nominate Linda Auger to the Planning Commission. Council Member Butters seconded the motion. The vote was unanimous in favor.**

**Council Member Butters made a motion to nominate John Rosenthal to the Planning Commission. Council Member Short seconded the motion. The vote was unanimous in favor.**

CM Horst said training will be set up for the new Planning Commission members. He said Mr. Davis’ application will be kept on file. He said Mr. Davis may be a good candidate for the Board of Adjustments. The City Council concurred.

C. Intermediate Solution to Mrs. Davison’s Home Rental

CM Horst said staff is recommending that they let Mrs. Davison's renter stay until she returns in May. He discussed setting up rentals as a conditional use so that the property owners can apply to rent out their basements. That way, the surrounding neighbors are notified. He said his concern is that they either enforce all of the rentals, or they find a compromise to the problem.

Council Member Marlor said he is not in favor of allowing multiple rentals in homes. He said there is an Ordinance in place. If staff receives complaints, there is probably good reason. The Ordinance should be enforced.

Mayor Money noted that the Ordinance does not apply if the individuals are related.

CM Horst said they could include a note on the building permit so people understand the Ordinance regarding rentals.

Council Member Winger expressed concern that if they put this issue to the surrounding neighbors, it could cause a great division in the neighborhood.

Mayor Money said he does not recall another incident where there has been a complaint.

Council Member Colton asked if they have provisions for servant's quarters? City Attorney Geilmann said the key element to the Ordinance is that the homeowner has to have done something to modify their structure to make a separate entrance to the home. ACM Whatcott said to have an apartment in the basement, there are certain code requirements that have to be met. Many people don't follow those codes and people are living in unsafe environments. If they did a conditional use permit, they could ensure that all of the codes are being met.

The City Council directed staff to allow Mrs. Davison time to return home before her renter has to be out. Until then, they should enforce complaints regarding renters.

**Council Member Marlor made a motion to go into a Redevelopment Agency Meeting. Council Member Winger seconded the motion. The vote was unanimous in favor.**

Redevelopment Agency Meeting – separate set of minutes.

**Board Member Marlor made a motion to go out of the Redevelopment Agency Meeting and go into City Council closed meeting for litigation. Board Member Winger seconded the motion. The vote was unanimous in favor.**

## IX. CLOSED MEETING

### A. Discussion of Imminent Litigation

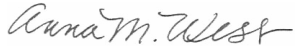


## ADJOURNMENT

**Council Member Winger made a motion to adjourn. Council Member Marlor seconded the motion. The vote was unanimous in favor.**

The February 21, 2006 City Council meeting adjourned at 10:36 p.m.

This is a true and correct copy of the February 21, 2006 City Council meeting minutes, which were approved on March 7, 2006.

  
South Jordan City Recorder

City Council 2-21-06

Attachment "A"



Home



## RIVERDALE CITY COUNCIL MEETING MINUTES

**January 20, 2004**

Minutes of the **Regular Meeting of the Riverdale City Council** held Tuesday, January 20, 2004 at 6:00 p.m. at the Riverdale Civic Center.

### Members Present:

Bruce Burrows, Mayor  
Nancy Brough, Councilor  
David Gibby, Councilor  
Stan Hadden, Councilor  
Stacey Haws, Councilor  
Shelly Jenkins, Councilor

### Others Present:

John Geilmann, CAO/GC  
Randy Daily, Community Development Director  
Wayne Hoaldrige, Public Safety Administrator  
Candi Mansell, City Recorder

Vicky Morton

Mayor Burrows called the meeting to order and welcomed all those present. He explained Finance Director Hansen is excused. Councilor Hadden then offered the Pledge of Allegiance.

Mayor Burrows explained many local cities are wrestling with the issue of prayer before Council meetings, and leaders of various faiths are watching the debate closely. He stated more than 150 Utah cities were sent a letter requesting that time slotted for prayer follow the requirements as set by the Utah Supreme Court in its 1993 ruling. He stated Riverdale did respond in writing by stating they have given up the practice of prayer during its opening ceremony. Mayor Burrows stated there will be further discussion both with Utah League and many local cities that are not in favor of being under duress or threat. He stated although there may be a different action in the future, for now Riverdale has taken a uniform stance to comply.

Mayor Burrows then read a thought by Abraham Lincoln, followed by a Moment of Silence.

### Mayor's Report

Mayor Burrows stated any interest in attending the New Sutherland Institute at the Grand America on Wednesday evening would need to RSVP immediately. He then distributed publications entitled "Reinventing Government" and "The Law" to the new Council members and encouraged them to read this literature.

### Approval of Meeting Minutes

**Motion:** Councilor Brough moved to approve the minutes of the Swearing-In/Oath Administration of January 6, 2004; Regular Meeting of January 6, 2004; and the Strategic Planning Meeting of January 9 & 10, 2004; with the amendments as

proposed; and to waive the reading. Seconded by Councilor Gibby. The motion passed unanimously.

### **Approval of Business License Applications**

Councilor Brough stated she would like to disclose that she and her spouse own and operate a pending home occupation license renewal, LN Services.

**Motion** Councilor Gibby moved to authorize issuance of the new and renewal home occupations, and renewal business licenses as presented. Seconded by Councilor Hadden. The motion passed unanimously.

Councilor Gibby stated he would also like to disclose that he is the owner/operator of a pending business license renewal, Gibby's Greenhouse.

Mayor Burrows stated there is also one renewal beer/liquor license presented for Council consideration.

**Motion** Councilor Hadden moved to authorize issuance of the renewal beer/liquor license for Wal-Mart Store as presented. Seconded by Councilor Jenkins. The motion passed unanimously.

### **Ratification of Planning Commission Appointment of Chair and Vice-Chair**

Mayor Burrows explained the Planning Commission had voted Greg Limburg as Chair and Don Farr as Vice-Chair at their January 13, 2004 meeting.

**Motion** Councilor Haws moved to ratify the Planning Commission appointment of Greg Limburg as Chair and Don Farr as Vice-Chair. Seconded by Councilor Brough. The motion passed unanimously.

### **Ordinance #632 amending Title 4 & Title 9 – Building & Construction Regulations**

Mayor Daily explained the Utah State Division of Commerce, as part of its Professional Occupational Licensing Act, requires adoption of the current code editions every three years. He stated Riverdale will be in compliance with State Code by amending Title 4 and Title 9 in order to adopt and reference the new editions of the various fire, building and other technical codes.

**Motion** Councilor Gibby moved for approval of Ordinance #632 amending Title 4 and Title 9 in order to adopt and reference the new editions of the various fire, building, and other technical codes and making technical corrections to Title 4 as presented. Seconded by Councilor Jenkins.

Roll call vote. Councilor Hadden, Yes; Councilor Brough, Yes; Councilor Gibby, Yes; Councilor Haws, Yes; and Councilor Jenkins, Yes. The motion passed unanimously.

### **URMMA Underinsured Motorist Coverage Rejection**

Mr. Geilmann explained that Riverdale is in receipt of correspondence from Dean Steele, Executive Director of the Utah Risk Management Mutual Association (URMMA). He stated it is his recommendation that due to the redundancy and unnecessary underinsured motorist insurance coverage, the City actually reject that coverage. He stated upon receipt of said rejection, this will no longer be billed as part of standard coverage.

**Motion** Councilor Jenkins moved to reject in writing the Underinsured Motorist Coverage under the Utah Risk Management Mutual Association's Joint Protection Program. Seconded by Councilor Hadden. The motion passed unanimously.

### **Ruby River Plaza/Discount Tire Development Agreement**

Mr. Geilmann distributed a Development Agreement, and stated this item has been added to the agenda in an effort to avoid the developer having to pay a hefty late closing fee. He explained the City has been working with the developer to negotiate the details of the development agreement. He stated staff recommendation is for consideration of approval of the Development Agreement for Ruby River Plaza/Discount Tire located at 4250 South Riverdale Road as presented.

Mr. Geilmann explained standard procedure is that upon final site plan approval of a project, a development agreement is drafted

and recorded. He stated this process becomes part of the development process in that even if the project is sold, the subsequent parties would be bound with the agreement that runs with the land development. He stated this specific agreement contains boilerplate and specific language, and primarily controls that are relative to the Design Review Committee and do not move forward without appropriate approvals.

Mayor Burrows stated there had been concern that this developer had promised the Council, Planning Commission, and residents they would revegetate the hill to the rear of the project. He clarified this will be included through the permitting and design review process. Mr. Geilmann stated Creekside Land Development is aware of the promises they have made.

Councilor Jenkins inquired as to revegetation of the separate piece of property, adjacent to the residential, that did not end up being acquired by the developer. Mr. Daily explained this developer is only responsible for revegetation of their own property, or the non-build area. He stated the City Engineer has reviewed this specific area relative to potential for land movement, and feels there is not a problem. Councilor Gibby inquired as to the specific level of revegetation, and to relative dangers associated with soil/flood movement. Mr. Daily stated the developer would have to share the vegetation plan prior to construction of the project. He stated there are springs in this area that have now been redirected to areas to which they did not historically flow. He stated the feeling of both the City Engineer and Public Works Director is that there is no threat as to flooding or slide potential that currently exists in the area.

Councilor Brough expressed pleasant surprise as to the 31.8% landscape ratio as included within the Development Agreement. Mr. Daily stated only 20% is required; however, the calculations also include the required drainage detention area. Councilor Gibby inquired as to a pathway to be proposed in this area, with Mr. Geilmann offering clarification the pathway area will be recorded as part of the non-developable property in a different area. He stated the Development Agreement merely entails development standards.

**Motion** Councilor Brough moved for approval of the Development Agreement for Ruby River Plaza/Discount Tire located at 4250 South Riverdale Road as proposed. Seconded by Councilor Gibby. The motion passed unanimously.

#### Discretionary Business

##### WACOG Dinner

Mayor Burrows explained the Weber Area Council of Governments (WACOG) consists of Mayors in the County, along with County Commissioners. He stated this group is then part of the Wasatch Front Regional Council that meets regularly monthly, and sometimes more often, to discuss matters that pertain to Weber County. He stated once a year they conduct an annual dinner to which they invite the City Council and their partners. He stated this dinner has been scheduled for February 4, 2004, at 6:30 p.m. at the Eccles Conference Center in Ogden. He stated the Councilors should have received an invitation and menu to be completed and returned to Mrs. Limburg as soon as possible.

With no further business to come before the Council at this time, Councilor Gibby moved to adjourn the meeting. Seconded by Councilor Brough. The motion passed unanimously. The meeting adjourned at approximately 6:40 p.m.

Attest:

Approved: February 3, 2004

\_\_\_\_\_  
Cindi Mansell, City Recorder

\_\_\_\_\_  
Bruce Burrows, Mayor

#### **RIVERDALE CITY**

4600 S. Weber River Dr.  
Riverdale, Utah 84405-3764  
E-Mail: [info@riverdalecity.com](mailto:info@riverdalecity.com)

Phone: 801-394-5541  
Fax: 801-399-5784  
Hours: 8:00 AM - 5:00 PM

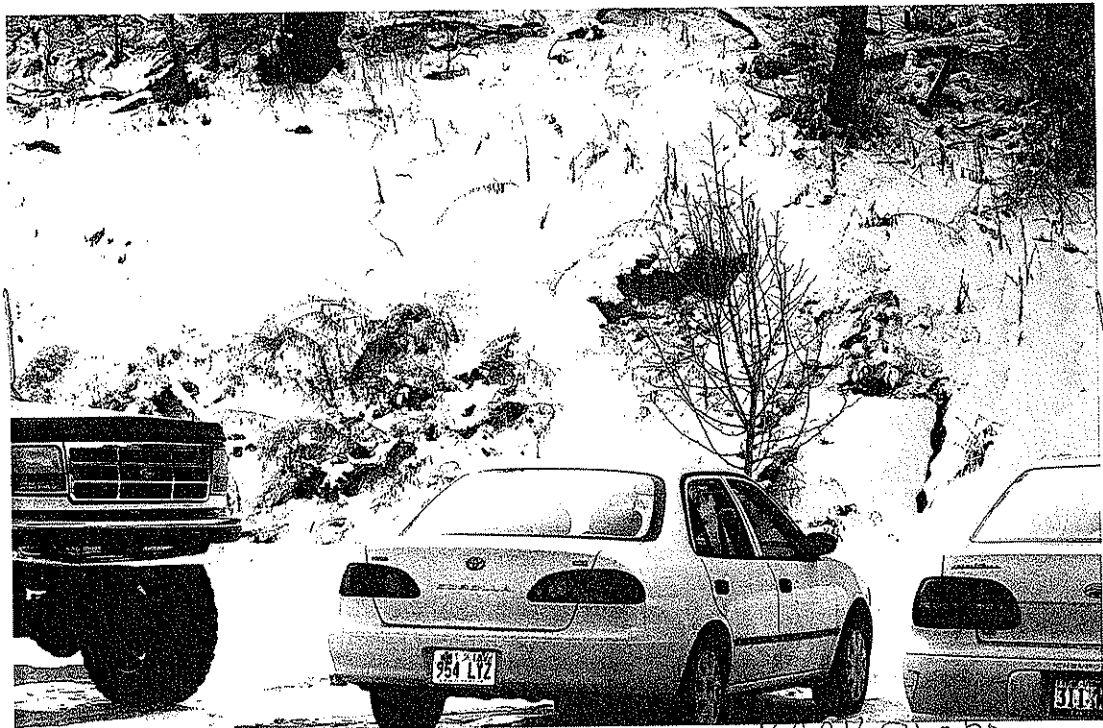
City Council 2-21-06

Attachment "B"





BACK SLOPE



BACK SLOPE





DIRT PILE BACK



DIRT PILE



CUT TREE & BUSH

City Council 2-21-06

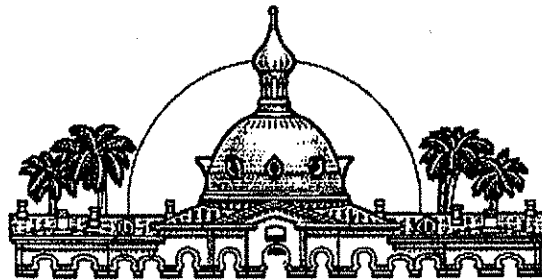
Attachment "C"

City Council 5-21-06

Attachment "C"

## **DEVELOPMENT AGREEMENT**

### **INFORMATION PACKET**



## **Hillsborough County Florida**

The Hillsborough County Board of County Commissioners adopted Lobbying Ordinance No. 93-8, as amended. Prior to meeting privately with a Board member, County Attorney, any Chief Assistant County Attorney, County Administrator, any Assistant County Administrator or any department head, you may be required to register as a lobbyist.

Planning & Growth Management Dept.  
(813) 272-5920

(Revised: 6/6/02)

## DEVELOPMENT AGREEMENT INFORMATION PACKET

- I. OFFICIAL APPLICATION FORM
- II. DEVELOPMENT AGREEMENT INSTRUCTION SHEET
- III. FILING THE APPLICATION
- IV. NOTICE TO AFFECTED NEIGHBORHOOD ORGANIZATIONS AND CIVIC ASSOCIATIONS
- V. ADJACENT PROPERTY OWNER NOTIFICATION
- VI. NEWSPAPER ADVERTISEMENT
- VII. LETTER OF NOTIFICATION
- VIII. AFFIDAVIT
- IX. THE PUBLIC HEARINGS
- X. DEVELOPMENT AGREEMENT CHECKLIST
- XI. VERIFICATION, LDC REVISIONS

XI.

VERIFICATION

REVISIONS TO THE LAND DEVELOPMENT CODE (LDC)

I have been informed by the below signed agent of the Planning and Growth Management Department of recent LDC changes that will or may affect my application. I have been informed that it is my responsibility to acquire copies of the specific wording of these code changes, if needed.

\_\_\_\_\_  
Print Applicant/Representative Name      Date

\_\_\_\_\_  
Applicant/Representative Signature      Date

\_\_\_\_\_  
Department Agent Name      Date

5. **CHECK FOR FILING FEE.** Please make checks or money orders payable to the Board of County Commissioners.

6. **COMPLETED APPLICATION.** Type the application or use **black ink.** All owners and applicants must sign the application. If both husband and wife appear on the deed, they must both sign the application.

a. Folio numbers can be obtained from property tax receipts or from the Property Appraiser's Office, County Center, 601 E. Kennedy Blvd., 16th Floor.

b. All owners and applicants must sign the application. (i.e., if both husband and wife appear on the deed, they must both sign the application.)

c. After you have filled out your application, you must have the items in the box marked "OFFICIAL USE ONLY" completed by the Graphics Section, County Center, 601 E. Kennedy Blvd., 20th Floor, before you file your application.

7. **ADDITIONAL INFORMATION.**

a. **Land Title Report.** A report identifying all property ownership, beneficial interests, mortgages, liens, and easements within the boundaries of the property, and giving evidence of unified control of its entire area.

b. **Transportation Analysis.** If applicable, a transportation analysis should be prepared by the applicant which includes the total trips generated by the project and the distribution of trips onto adjacent streets. Institute of Traffic Engineers (ITE) trip generation rates or another approved source shall be used for the basis for trip generations. If the number of daily trips projected to travel adjacent streets is greater than 5% of the Level of Service "C" capacity of said street, a detailed traffic analysis shall be provided.



VII.

RURAL/URBAN

DEVELOPMENT AGREEMENT  
LETTER OF NOTIFICATION

TO: All Property Owners within 250' (URBAN) DATE FILED: \_\_\_\_\_  
All Property Owners within 500' (RURAL)  
\_\_\_\_\_  
\_\_\_\_\_

RE: DEVELOPMENT AGREEMENT # \_\_\_\_\_

You are hereby notified that the person who signed this letter is requesting a Development Agreement before the Hillsborough County Board of County Commissioners at a public hearing.

By law, you must be notified of the requested permit because you own land within 250 feet or 500 feet (excluding public right-of-ways) of the subject site for the Development Agreement.

Additional information concerning this request may be obtained by calling the Planning and Growth Management Department at 272-5920.

MEETING DATE \_\_\_\_\_ TIME \_\_\_\_\_

LOCATION OF MEETING: 2nd Floor, County Center  
601 E. Kennedy Blvd., Tampa Florida

LOCATION OF PROPERTY \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LEGAL DESCRIPTION (See Attached) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BRIEF DESCRIPTION OF DEVELOPMENT AGREEMENT REQUEST, INCLUDING ANY CHANGES TO TYPE, DENSITY OR INTENSITY OF USES ON SITE, AND ANY OTHER CHANGES TO AN APPROVED SITE PLAN. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Print name of owner/applicant \_\_\_\_\_ Signature of owner/applicant \_\_\_\_\_

The Hillsborough County Board of County Commissioners adopted Lobbying Ordinance No. 93-8, as amended. Prior to meeting privately with a Board member, County Attorney, any Chief Assistant County Attorney, County Administrator, any Assistant County Administrator or any department head, you may be required to register as a lobbyist.

**NOTICE OF PUBLIC HEARINGS ON**

A public hearing has been established by the Board of County Commissioners of Hillsborough County to consider an Application for (type of action)

\_\_\_\_\_ filed on  
(date) \_\_\_\_\_. The application will  
be heard at a public hearing by the Board of County  
Commissioners beginning at (time) \_\_\_\_\_ on (date) \_\_\_\_\_  
\_\_\_\_\_ on the 2nd Floor of the  
County Center, 601 E. Kennedy Blvd., Tampa, Florida.

The property which is the subject of hearing is located at

\_\_\_\_\_ Hillsborough County, and consists of  
\_\_\_\_\_ acres more or less.

INFORMATION AND REPORTS ON THE REQUEST CAN BE REVIEWED AT THE COMMUNITY DESIGN SECTION OF THE PLANNING AND GROWTH MANAGEMENT DEPARTMENT, COUNTY CENTER, 601 E. KENNEDY BLVD., TAMPA, FLORIDA. ANY PERSON WHO MIGHT WISH TO APPEAL ANY DECISION MADE BY THE GOVERNING BODY (BOARD-COMMISSION-AGENCY; WHICHEVER IS APPLICABLE) REGARDING ANY MATTER CONSIDERED AT THE FORTHCOMING PUBLIC HEARING OR MEETING IS HEREBY ADVISED THAT THEY WILL NEED A RECORD OF THE PROCEEDINGS FOR SUCH PURPOSE. THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD IS MADE AS WILL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH SUCH APPEAL IS TO BE BASED.

\_\_\_\_\_, Chairman, Board of County  
Commissioners  
Hillsborough County, Florida

VI. **NEWSPAPER ADVERTISEMENT.** You must have published an advertisement on the application a minimum of seven (7) days prior to each public hearing in a newspaper of general circulation and readership in Hillsborough County.

#### **LEGAL AD**

The Applicant or their Agent must publish the legal notice, in the Tampa Tribune, one time and no less than 15 days prior to the hearing. Ad copy must be turned into the Legal Department of the Tampa Tribune three business days in advance of publish date. The telephone number of the Tampa Tribune Legal Department is 272-7585. The Applicant must furnish proof of the Legal Ad, (affidavit and tear sheet from the paper), to the Planning and Growth Management Department, County Center, 601 E. Kennedy Blvd., 20th Floor, Tampa, Florida, 33602, a minimum of six (6) working days prior to the meeting date.

Following is the form to use for the legal notice.

VIII.

APPLICATION NUMBER: \_\_\_\_\_

**A F F I D A V I T**

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

I hereby state that I am the owner or the agent for the owner of the above-numbered \_\_\_\_\_ request.

I further state that I have notified all persons owning land within: (CHECK ONE)

[ ] 250' OR [ ] 500'

of the property described in the attached letter by Proof-of-Mailing of my intention of requesting a \_\_\_\_\_ before the:

(CHECK ONE):

[ ] Zoning Hearing Master of Hillsborough County.

or

[ ] Board of County Commissioners of Hillsborough County.

I further state that I have notified the Designated Representative of each Registered Neighborhood Organization and Civic Association located within one mile of the site affected by the application.

I have attached hereto the Certificate of Mailing as proof of such notification.

\_\_\_\_\_  
(TYPE OR PRINT LEGIBLY NAME OF  
OWNER/AGENT OF OWNER)

\_\_\_\_\_  
(SIGNATURE OF OWNER/AGENT OF OWNER)

\_\_\_\_\_  
(DATE SIGNED)

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this

(DATE) \_\_\_\_\_ by \_\_\_\_\_

who:

Personally known to me Florida driver's license

Other type of identification: \_\_\_\_\_

and who: did did not take an oath.

\_\_\_\_\_  
(Signature of person taking acknowledgement)

\_\_\_\_\_  
Type or Print Name of Notary Public

Commission Number \_\_\_\_\_

My Commission Expires \_\_\_\_\_

**I. HILLSBOROUGH COUNTY PLANNING & GROWTH MANAGEMENT DEPT. APPLICATION****OFFICIAL USE ONLY**

APPLICATION #: \_\_\_\_\_ - \_\_\_\_\_

FOLIO #: \_\_\_\_\_

ZHM DATE : \_\_\_\_\_

SEC: \_\_\_\_\_ TWN: \_\_\_\_\_ RNG: \_\_\_\_\_

BOCC DATE: \_\_\_\_\_

ATLAS PAGE: \_\_\_\_\_

GENERAL \_\_\_\_\_ ACREAGE: \_\_\_\_\_ ZONING: \_\_\_\_\_ LU: \_\_\_\_\_

LOCATION: \_\_\_\_\_

PGMD TECH: \_\_\_\_\_ GZ TECH: \_\_\_\_\_ RECEIPT #: \_\_\_\_\_

Planning & Growth Management Dept. Planner Who Provided Land Use  
Counseling: \_\_\_\_\_**TYPE OF APPLICATION:****BOCC Action**

- ☐ Rezoning  
☐ Personal Appearance

☐ Major Modification☐ Other: \_\_\_\_\_**Administrative Action**

- ☐ Administrative Waiver  
☐ Administrative Review

- ☐ Specified Use  
☐ Alcoholic Beverage Zoning (No Waivers)  
☐ Non-Conforming Lot (NCL)  
☐ Non-Conforming Use (NCU)

☐ Other: \_\_\_\_\_**LUHO Action**

- ☐ Special Use Permit  
☐ Alcoholic Beverage  
Zoning

☐ Other: \_\_\_\_\_**SITE INFORMATION:** Tax Folio # \_\_\_\_\_

Street Address: \_\_\_\_\_

Current Use: \_\_\_\_\_

(Additional information, see Exhibit "A")

**REPRESENTATIVE/PRIMARY CONTACT:** \_\_\_\_\_

Phone: Daytime (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Evening (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_

Is this application accompanied by other applications?

If yes, what are the application numbers?

If this is a DRI, list the project name and number:

If this is an Annual Report Submittal: Anniversary

Date: \_\_\_\_\_ Reporting Period \_\_\_\_\_ to \_\_\_\_\_

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION  
PROVIDED IN THE SUBMITTED APPLICATION PACKET IS TRUE AND  
ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE  
REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF ON THIS  
PETITION.

Signature of the Applicant

Type or Print Name Legibly

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND  
RECOGNIZE THAT THE FINAL ACTION TAKEN ON THIS PETITION  
SHALL BE BINDING TO THE PROPERTY AS WELL AS TO THE  
CURRENT, AND ANY FUTURE OWNERS.

Signature of the Owners

Type or Print Name Legibly

# **I. HILLSBOROUGH COUNTY PLANNING & GROWTH MANAGEMENT DEPT. APPLICATION**

## **OFFICIAL USE ONLY**

APPLICATION #: \_\_\_\_\_ FOLIO #: \_\_\_\_\_  
 ZHM DATE : \_\_\_\_\_ SEC: \_\_\_\_\_ TWN: \_\_\_\_\_ RNG: \_\_\_\_\_  
 BOCC DATE: \_\_\_\_\_ ATLAS PAGE: \_\_\_\_\_  
 GENERAL ACREAGE: \_\_\_\_\_ ZONING: \_\_\_\_\_ LU: \_\_\_\_\_  
 LOCATION: \_\_\_\_\_  
 PGMD TECH: \_\_\_\_\_ GZ TECH: \_\_\_\_\_ RECEIPT #: \_\_\_\_\_

**Planning & Growth Management Dept. Planner Who Provided Land Use Counseling:** \_\_\_\_\_

## **TYPE OF APPLICATION:**

<b>BOCC Action</b>	<b>Administrative Action</b>	<b>LUHO Action</b>
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Administrative Waiver	<input type="checkbox"/> Special Use Permit
<input type="checkbox"/> Personal Appearance	<input type="checkbox"/> Administrative Review	<input type="checkbox"/> Alcoholic Beverage Zoning
<input type="checkbox"/> Major Modification	<input type="checkbox"/> Specified Use	
	<input type="checkbox"/> Alcoholic Beverage Zoning (No Waivers)	
	<input type="checkbox"/> Non-Conforming Lot (NCL)	
	<input type="checkbox"/> Non-Conforming Use (NCU)	
<input type="checkbox"/> Other:	<input type="checkbox"/> Other:	<input type="checkbox"/> Other:

**SITE INFORMATION:** Tax Folio # \_\_\_\_\_  
 Street Address: \_\_\_\_\_

Current Use: \_\_\_\_\_  
 \_\_\_\_\_  
 (Additional information, see Exhibit "A")

## **REPRESENTATIVE/PRIMARY CONTACT:**

Phone: Daytime (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Evening (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_

Is this application accompanied by other applications?  
 If yes, what are the application numbers?

If this is a DRI, list the project name and number:

If this is an Annual Report Submittal: Anniversary  
 Date: \_\_\_\_\_ Reporting Period \_\_\_\_\_ to \_\_\_\_\_

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THE SUBMITTED APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF ON THIS PETITION.

Signature of the Applicant

Type or Print Name Legibly

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION TAKEN ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO THE CURRENT, AND ANY FUTURE OWNERS.

Signature of the Owners

Type or Print Name Legibly

## II. DEVELOPMENT AGREEMENT INSTRUCTION SHEET

A. **DOCUMENTS REQUIRED.** The following documents are required to be submitted with all applications. If another application is accompanying this one, information contained in that application can be referenced.

1. **DEED.** A copy of the deed must be submitted. All owners listed on the deed must sign the application.
2. **LEGAL DESCRIPTION OF PROPERTY.** This may be all or a portion of the property contained in the deed.
3. **ADJACENT PROPERTY OWNERS LIST.** At the time of filing, the applicant must furnish the Planning and Growth Management Department with a list of adjacent property owners. The first step in this process is to determine if Rural or Urban notification distances are required. Property in the Agricultural and Rural Residential Land Use Categories are considered Rural and requires notification of all property owners within 500 feet. All other property is Urban and requires notification of owners within 250 feet. Public rights-of-way and waterbodies less than 1,000 feet in width are excluded from the distance determinations.

The Graphics Section, County Center, 601 E. Kennedy Blvd., 20th Floor, can assist you in determining if Rural or Urban notification distances are required. Property owner names and addresses are recorded in current year's tax rolls in the Property Appraiser's Office County Center, 601 E. Kennedy, Blvd., 16th Floor. If you are able to determine these property owners from the legal description of the property to be rezoned, you can prepare this list. You might need to have the list prepared by either a title company or some other person familiar with reading legal descriptions. Please provide the name of the person preparing the list and the date which it was prepared.

In order for the application to be accepted, the following procedures shall be followed:

- a. The Adjacent Property Owners List shall be submitted at the time of filing the application and be typewritten or clearly printed in black ink. The list shall be on one side of the paper and numbered. The Folio Number, Name (exactly as it appears on the current tax roll) and address including Zip Code shall be included. See Sample List.
- b. Please note at the bottom of the list the numbers of any duplicated property owners. This means identically recorded name and address. For example: one and three on the sample list are duplicates; however two is not identical and would require a separate notice. If you have the same name but different addresses, send the notice to both addresses. Because parties could be father and daughter or brother and sister, never assume parties are husband and wife and address to Mr. and Mrs.

#### **SAMPLE LIST**

- |    |            |  |
|----|------------|--|
| 1. | 10000.0000 | John and Mary Smith<br>100 S. Smith Road<br>Tampa, FL 33601    |
| 2. | 10000.0001 | John and Mary J. Smith<br>100 S. Smith Road<br>Tampa, FL 33601 |
| 3. | 10000.0002 | John and Mary Smith<br>100 S. Smith Road<br>Tampa, FL 33601    |
| 4. | 10000.0003 | Tom Arnold<br>1938 Timber Way<br>Tampa, FL 33614               |

**NOTE:** Numbers 1 and 3 are duplicates.

4. **TWO AERIAL PHOTOGRAPHS.** These may be purchased from the Engineering Department, County Center, 601 E. Kennedy Blvd., 21st Floor.



- c. Written Statement. Describe and discuss the proposed development (include land uses, population densities, building intensities and heights). Include in this statement any proposed phases of development and the expected beginning and completion dates of each phase. Provide a general outline of the request along with a Rationale Statement, including the impacts and benefits of the development on the County. Please list also the timing of the provision of any new Public Facilities (Water, Wastewater, Parks, Schools, and/or Transportation.)
- d. Development Agreement. This should be an Attachment prepared to include, at a minimum, the requirements of Section III of County Ordinance 90-1 implementing the Local Government Agreement Act of 1986. Label this Attachment as Exhibit "B".

III. FILING THE APPLICATION. After you have assembled all the necessary materials, you need to file your request with the Planning and Growth Management Department, County Center, 601 E. Kennedy Blvd., 20th Floor. The best way is to call for an appointment with a Zoning Technician at 272-5920. If you are unable to do so, however, you may bring the application to the Department during normal business hours.

The Technician will review the application for completeness, verify the fee and assign you a petition number. You will also be given a date for the public hearing on your request and necessary notification materials. Please note that applications will not be accepted after 4:00 p.m. Applications which are received after 2:00 p.m. on the cutoff date for one hearing shall be assigned to the next hearing.

Once accepted, your application may be routed to other County departments for review and comment. You will be assigned a planner who will contact you in about two weeks, after a preliminary review has been done.

X. **DEVELOPMENT AGREEMENT CHECKLIST**

Applicant's Initials	Technician's Initials
-------------------------	--------------------------

_____	_____	Completed Application Form
_____	_____	Copy of Deed
_____	_____	A Land Title Report
_____	_____	Legal description
_____	_____	Impacts/Benefits Report
_____	_____	List of Adjacent Property Owners (See instruction sheet, item III)
_____	_____	List of Affected Neighborhood organizations
_____	_____	Written Statement, Per Section II.7.c of this packet
_____	_____	Transportation Analysis (if necessary)
_____	_____	Two Aerial photographs
_____	_____	A Development Agreement Benefit/ Impact Report
_____	_____	Verification, LDC Revisions

**NOTE:** 1. If any of the required documents are not included in your development agreement application, the application will not be accepted for processing.



#### IV. **NOTICE TO AFFECTED NEIGHBORHOOD ORGANIZATIONS AND CIVIC ASSOCIATIONS**

Neighborhood Organizations and Civic Associations shall be notified by mail no earlier than seven (7) days nor any later than fifteen (15) days after the establishment of the public hearing date. The notice must give the location, date, and time of hearing, as well as a description of the request. A form letter will be given to you when you file your application.

The notices must be sent utilizing the U.S. Mail's "Certificate of Mailing". The certificate of mailing service furnishes only evidence of mailing. No receipt is obtained upon delivery of the mail to the addressee nor is insurance provided against loss or damage. Bring the certificate of mailing documentation, a copy of the mailing list, a copy of the notice that you mailed, and the affidavit to the Planning and Growth Management Department at least seven (7) working days prior to the meeting date. The receptionist will notarize the affidavit upon request, at no cost to the applicant.

#### V. **ADJACENT PROPERTY OWNER NOTIFICATION**

You must notify adjacent property owners by mail no earlier than seven (7) days nor any later than 15 days after the establishment of the public hearing date. The notice must give the location, date, and time of hearing, as well as a description of the request. A form letter will be given to you when you file your application.

The notices must be sent utilizing the U.S. Mail's "Certificate of Mailing". The certificate of mailing service furnishes only evidence of mailing. No receipt is obtained upon delivery of the mail to the addressee nor is insurance provided against loss or damage. Bring the certificate of mailing documentation, a copy of the mailing list, a copy of the notice that you mailed, and the affidavit to the DRI Coordinator of the Planning and Growth Management Department at least seven (7) working days prior to the meeting. The receptionist will notarize the affidavit at no cost to the applicant.

City Council 2-21-06

Attachment "D"

①

Concerning Resolution 2006-07 and the rezone approved Feb. 7, 2006, for Peterson Development.

\*For several months the citizens have requested that the Planning Commission and City Council require appropriate zoning on the subject property so certain minimum standards would be required by law. The citizens wanted the standards regulated by zoning law--not promises. We have maintained that RR, R1.8, R2.5 or R3 would be the only appropriate zoning for the subject property because of the lower densities and higher standards of the single family zoning of RR, R1.8, R2.5 or R3.

\*256 residents opposed any RM or high-density zoning. On the City Council concurred and voted 4-1 to deny RM4 zoning on the property.

\*On Feb. 7, the City Council entertained a reconsideration request for RM4 zoning on the property. The RM4 zoning was then approved based solely on Resolution 2006-07, a development agreement with Peterson Development.

\*The citizens maintain the Resolution/agreement should never have been adopted and the zoning not granted based on the following:

\*Councilmember Colton had received the wrong packet. It did not contain the documents he should have been able to review in order to make an *CORRECTLY INFORMED* educated vote.

\*A development agreement should go through the same process as other requests for zone changes. A public hearing notice should be mailed it should go before the Planning Commission, a public hearing and a City Council vote. This was not done.

\*The agreement states in Sec. V paragraph G. "This agreement may be amended in whole or in part with respect to all or any portion of the property by the mutual written consent of the parties." Our concern is that the development agreement is tied to a zoning change and any amendments to it should be made by following the same procedure as for a zoning change, not circumvent the law by eliminating any public knowledge or public process.

\*At the meeting, it was stated, "The purpose of this discussion is to take evidence THAT HAS ALREADY BEEN GIVEN and act upon the reconsideration request" (Geilmann) however, the development agreement was not a reconsideration. It was a document which had never been presented or addressed at a Planning Commission meeting or a City Council Meeting subject to a Public Hearing.

\*The zoning does not conform with the City's General Plan and Future Use Map.

\*It is not in the best interest of the citizen's to create a new zone for a developer.

\*It was not appropriate for the City Attorney to write the Agreement.

\*The development agreement states "the developer is the owner of certain real property". If the developer is not the owner of the property the city has no agreement.

\*It states no third party has a cause of action--an attempt to neutralize the public.

\*The agreement states the developer's obligations are regulated by SJ city ordinance section 17.48. 17.48 is RM zoning. The agreement simply states they will comply with the RM zoning and build detached houses.



\*Agreement is wide open and non-specific, ambiguous.

\*Agreement does not hold them to the standards they previously agreed to which were, 3400 square foot ramblers.

\*Some Councilmembers believed the agreement held the developer to 10,000 square foot lots, when in fact, it does not. The developer can still ask for a PUD and get smaller lots and smaller setbacks.

From Feb 7 minutes:

Attn. Geilmann

Minutes: "The purpose of this discussion is to take evidence and information THAT HAS ALREADY BEEN GIVEN and act upon the reconsideration request."

- The development agreement was not information that had already been given.

1st  
court  
reference

Attn: Geilman: "Before an individual can take an issue like this to court, they have to exhaust all administrative remedies..."

Possible lawsuit is not supposed to be mentioned ~~at~~ during reconsideration process.

Geilmann - "There is no requirement that further comment be taken"

- But further comment COULD HAVE been taken.

Geilmann said the development agreement is recorded and runs with the land.

- IV of agreement. The agreement ends when developer fulfills obligations or in 10 years, whichever comes first. Developers obligation is to construct the development.

## City Council minutes Feb 7-

"CM Short said agreement has 1 year termination clause."

"CM Horst said if the agreement is terminated, the land use + zoning would revert back to what it is today."

- There is no clause in ~~contract~~ agreement which provides for that.

- Clause refers to developer terminating agreement.

"CM Horst said homes will STILL BE a minimum of 2400 sf."

- Peterson previously guaranteed 1700sf ramblers w/ basements. That is 3400 sf

"<sup>Horst</sup> The CURRENT setback is 25 ft"

- Subject to change with PUD. RM zoning says 30 ft.

Horst: "minimum lot size is 10,000 sf. If a PUD is proposed, they can cluster the homes"

- Clustering means smaller lots + smaller homes.

"CM HORST said they have to follow the timeframe for a reconsideration request" "They cannot hold the developer up."

- What is the time frame?

Colton "asked if a future council could re-negotiate the development agreement?"

Geilmann said "a public hearing would be required."

- V G of agreement allows the agreement to be amended in writing w/o a public hearing.

# City Council minutes Feb 7

"Butters asked if the development agreement sets an unhealthy precedence for the city?"

"Geilmann said development agreements are done on a case by case basis."

- There is already another development agreement up for approval tonight.

\*Marlor said "It will provide for a good buffer between the existing ~~parade~~ development and future office developments?"

- Do they have the right map? There are no future office developments near the property.

"Colton asked if they vote this application down, would it force the developer to wait?"

"Geilmann said there is also a waiting period for the developer before they could bring forward another land use petition. It makes it so the developer has no option but to file an action in court."

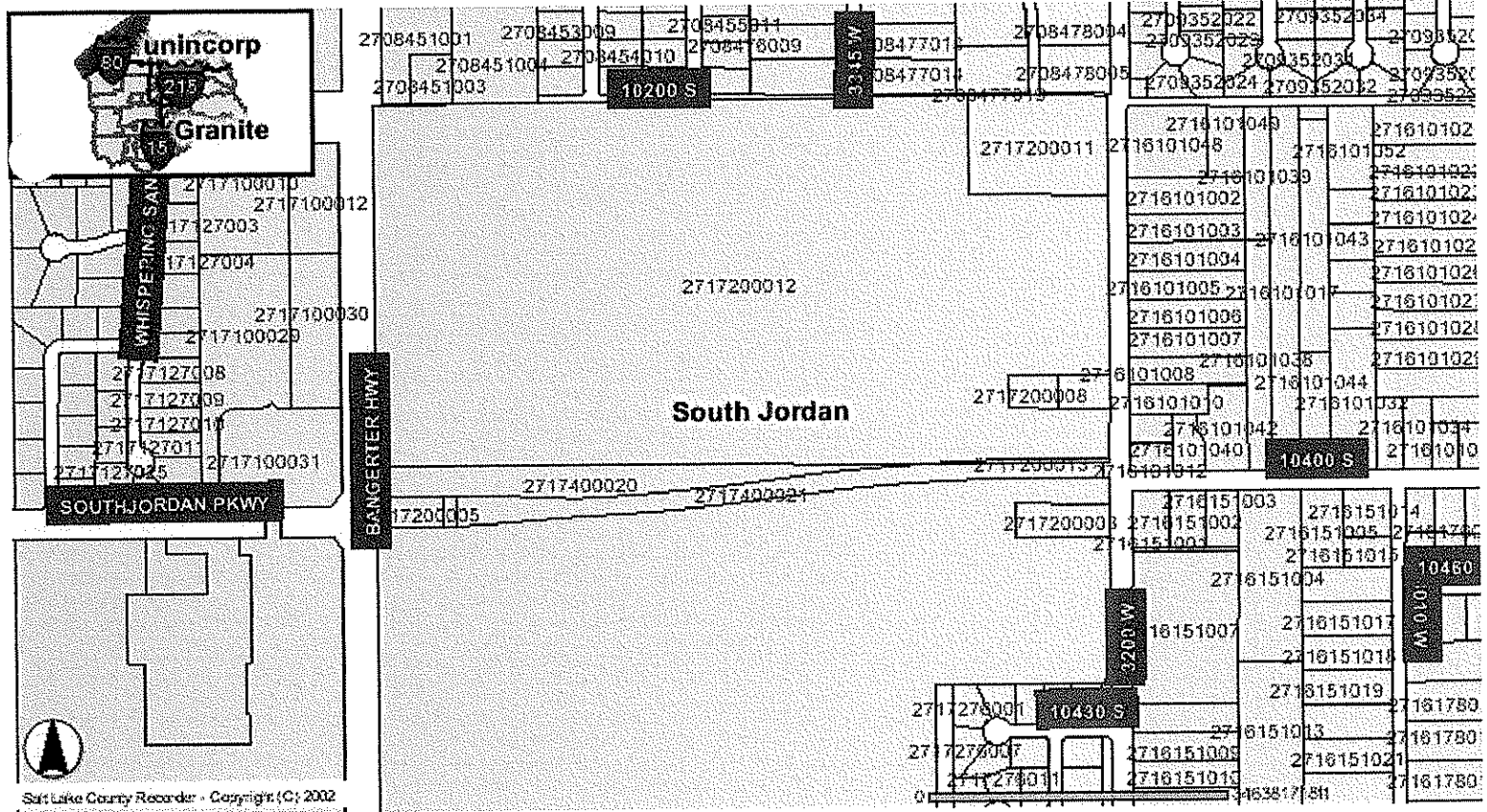
2nd  
reference to  
lawsuit

- The developer couldn't bring back RM4 for a year, but he could bring R2.5 or R3.

"Butter asked if they need to add a notation in the ordinance that the zoning change is subject to the development agreement?"

Geilmann said no, the zoning is already subject to the development agreement."

- If the agreement is invalid or improper then the zoning & land use should not be allowed.



City Council 2-21-06

Attachment "E"

2548790

The following described right of way in South Jordan has been deeded to Brent R. Perschon and Rinda R. Perschon, his wife, by A. Robert Perschon and Muriel C. Perschon, his wife.

Commencing at a point 654.0 Feet North from center of section 10 Township 3 South, Range 1 West, Salt Lake Base and meridian. Thence West 291.0 Feet, thence South 50.0 Feet, thence East 291.0 Feet, thence North 50.0 Feet to point of beginning.

This right of way deeded to Brent R. Perschon and Rinda R. Perschon, his wife, by A. Robert Perschon and Muriel C. Perschon, his wife, is to remain as a right of way for them and any future owners of their property. This same right of way shall also be used as an access for A. Robert Perschon and Muriel C. Perschon, his wife, to their adjoining properties and shall also remain as a right of way for them and any future owners of their properties.

Signed in the Presence of

Ivan R. Oakerson

\_\_\_\_\_

\_\_\_\_\_

Brent R. Perschon  
Rinda R. Perschon  
A. Robert Perschon  
Muriel C. Perschon

STATE OF UTAH, }  
County of Salt Lake } ss.

On the 18th day of June, A.D. 1973 personally appeared before me A. Robert Perschon and Muriel C. Perschon, his wife, Brent R. Perschon and Rinda R. Perschon, his wife,

the signers of the within instrument, who duly acknowledged to me that they executed the same.

Ivan R. Oakerson  
Notary Public.

My commission expires 4-12-74 Residing in South Jordan

Recorded 12:50 P at 12:50 P  
Request of BRENT R. PERSCHON  
Fee Paid JERADAN MARTIN  
Recorder, Salt Lake County, Utah

By Stanford Deputy  
\$ 2.00

Ref. 9541 So 1700 West  
So. Jordan 84061

BOOK 3355 PAGE 199



ATTN: Dale Evans

FAX: 256-5670

February 21, 2006

Notes:

Our understanding of the City policy is that a Land Use and Zoning change previously denied by the City Council should not be reconsidered within one year.

A "Development Agreement" should go through the same process as other requests for zone changes. A Public Hearing Notice should be mailed, it should go before the Planning Commission for a vote, then to the City Council for a vote.

Citizen's rights to due process and to be heard were denied. The resolution/agreement is not a "reconsideration". It had never been presented or addressed at a Planning Commission meeting or a City Council Meeting subject to Public Hearing.

Some citizens were denied access to the Development Agreement document and thus were not allowed to review before the meeting.

The "packet" Council Member Colton received contained information for the previous City Council meeting. It did not contain the documents he should have reviewed in order to make an educated vote.

The zoning does not conform with the City's General Plan and Future Use Map for the City.

It is not in the best interest of the citizens to create a new zone for a developer.

It was not appropriate for the City Attorney to write the Development Agreement.

We believe there is a conflict of interest due to past business and possible personal relationships between Council Member Butters and the Peterson family.

The Development Agreement states "the Developer is the owner of certain real property". If the Developer is not the owner of the property the City has no agreement.

The "recommendation" was not brought before the City Council as an Agenda item.

Etc, etc. etc.....





Utah League of Cities and Towns 2005  
1-800-852-8528 www.ulct.org

## Notes from Sydney Fannesbeck

### TAKINGS

To: Planning Commissioners

From: S. Fannesbeck, Utah League of Cities and Towns

RE: Takings

In my travels about the state to meet with Planning Commissions, I hear references to "takings". There seems to be a great deal of misunderstanding about just what they are and at what point local government can get into trouble because of them. The confusion is to be expected because even the courts seem to be in the process of deciding what "taking" actually is and is not.

Some communities are under the impression that any lowering of value, say as a result of down zoning, or by refusing to allow a developer to build at a higher use, will result in a taking. The issue is more complicated than that, although some developers and their attorneys would have you believe otherwise. A general rule is that if you are not denying all use of the property, are furthering a legitimate purpose, and are following the correct process, as defined by state law, you are probably safe.

I have enclosed several items that may help as a guide. Some of this material has been sent out to you before but I know that commissions change and things get lost. Included is:

- a. A general description of "taking" and related issues from Craig Calls office
  - b. A description of the ombudsman's job as defined by state law,
  - c. A copy of the specific requirement of cities to enact an ordinance protecting private property rights
  - d. The model ordinance for cities in towns that will serve to meet the requirements as required by state law.
- This, or an ordinance like it, should be included with your ordinances.

★ Remember that the fear of "takings" should not be the determining factor in zoning and development approval. You still have the right to down zone, oppose re-zonings, or deny development. You and those making land use decisions in

**COUNTY OF RIVERSIDE**  
**TRANSPORTATION AND LAND MANAGEMENT AGENCY**  
**Planning Department**  
Robert C. Johnson Planning Director

**APPLICATION FOR DEVELOPMENT AGREEMENT**

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CASE NUMBER: \_\_\_\_\_ DATE SUBMITTED: \_\_\_\_\_

**APPLICATION INFORMATION**

Applicant's Name: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

*Street*

*City*

*State*

*ZIP*

Daytime Phone No: (\_\_\_\_) \_\_\_\_\_ Fax No: (\_\_\_\_) \_\_\_\_\_

Engineer/Representative's Name: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

*Street*

*City*

*State*

*ZIP*

Daytime Phone No: (\_\_\_\_) \_\_\_\_\_ Fax No: (\_\_\_\_) \_\_\_\_\_

Property Owner's Name: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

*Street*

*City*

*State*

*ZIP*

Daytime Phone No: (\_\_\_\_) \_\_\_\_\_ Fax No: (\_\_\_\_) \_\_\_\_\_

**BRIEFLY DESCRIBE APPLICANT'S INTEREST IN THE PROPERTY:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**\*NOTE:** ATTACH DOCUMENTATION VERIFYING THE APPLICANT'S INTEREST AND AUTHORIZATION TO APPLY ON BEHALF OF THE OWNER (See Section 104 of Exhibit "A" of Resolution No. 87-525).

\_\_\_\_\_  
**PRINTED NAME OF APPLICANT**

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

Riverside Office: 4080 Lemon Street, 9th Floor  
P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-3200 • Fax (951) 955-3157  
Form 295-1070 (02/28/05)

Indio Office: 82-675 Hwy 111, 2nd Floor  
Room 209, Indio, California 92201  
(760) 863-8277 • Fax (760) 863-7555

Murrieta Office: 39493 Los Alamos Road.  
Murrieta, California 92563  
Fax (951) 600-6145

## **APPLICATION FOR DEVELOPMENT AGREEMENT**

### **BRIEFLY DESCRIBE OWNER'S INTEREST IN THE PROPERTY:**

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PRINTED NAME OF PROPERTY OWNER(S)

SIGNATURE OF PROPERTY OWNER(S)

PRINTED NAME OF PROPERTY OWNER(S)

SIGNATURE OF PROPERTY OWNER(S)

If the subject property is owned by persons who have not signed as owners above, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.

### **PROPERTY INFORMATION:**

Assessor's Parcel Number(s): \_\_\_\_\_

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

Approximate Gross Acreage: \_\_\_\_\_

General location (street address, cross streets, etc.): North of \_\_\_\_\_, South of \_\_\_\_\_, East of \_\_\_\_\_, West of \_\_\_\_\_.

Thomas Brothers map, edition year, page number, and coordinates: \_\_\_\_\_

#### **THE DEVELOPMENT AGREEMENT FILING PACKAGE MUST CONSIST OF THE FOLLOWING (UNLESS WAIVED BY THE PLANNING DIRECTOR):**

1. One completed and signed application form.
2. One copy of the current legal description for each property involved. Preferably a copy of a grant deed of each property involved.
3. One copy of a current (less than 6 months old) Preliminary Title.
4. An 800 ft. scale map of the Mapped Development Agreement Legal Description. A Licensed Land Surveyor must certify this map.
5. An 8½" x 11" locational map highlighting the property boundaries.
6. Six (6) draft copies of the proposed Development Agreement.

## **APPLICATION FOR DEVELOPMENT AGREEMENT**

7. A listing and brief description of all development approvals and permits (land use entitlements) that have been granted for the property to date, or any related development applications for the property being processed concurrently with this request.
8. \$5,000.00 deposit-based fee.
9. \*Additional information may be required as determined by the Planning Director.

**Note:** Mailing labels will be required prior to the scheduling of the Public Hearing in accordance with the County property owners notification procedure.